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September 15, 2020

VIA ECF

The Honorable Sarah L. Cave, U.S.M.J.
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Nisbett v. Nova Octo, LLC 1:20-cv-05548-PAE-SLC

Dear Magistrate Judge Cave:

This firm represents the Plaintiff in the above-referenced website inaccessibility case under Title III of the Americans with Disabilities Act and its state and city analogs. We write now to respectfully request a 30-day extension of time to Request a Certificate of Default and File a Motion for Default Judgement, currently scheduled for September 18, 2020. (Dkt 7.)

Defendant's Answer was due on August 19, 2020. (Dkt. 6.) We are currently making good faith efforts to contact Defendant via email and USPS to remind them of their obligations to answer, and of the Court's most recent order respecting default motion practice. Such efforts have been successful in similar cases against other defendants in the past, and we have been able to avoid the expenditure of resources, both Plaintiff's and the Court's, on default judgment motion practice and what would likely become further motion practice to vacate that default judgment. Accordingly, we are requesting this additional time to contact Defendant in effort to avoid unnecessary motion practice, and with an eye toward early resolution, if at all possible.

This is Plaintiff's first request for an extension of time within which to file for default. Defendant has not yet appeared in this action, so they have not consented to this motion. If granted, this extension would not affect any other case deadlines, as no case management order has been entered.



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We thank the Court for its time and attention to this matter.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Christopher H. Lowe
Christopher H. Lowe

The requested 30-day extension of time for Plaintiffs to move for default is GRANTED.

By October 19, 2020, Plaintiffs shall request a certificate of default from the Clerk of Court if Defendants have not appeared in this action.

The Clerk of Court is respectfully directed to terminate the Motion at ECF No. 8.

SO ORDERED 9/16/2020


SARAH L. CAVE
United States Magistrate Judge